

**Definitions and Process**

**South Dakota Special Education Programs**

**On-Site Review Criteria Report**

**For**

**Pierre School District**

**Disproportionate Representation of Minority Students**

***State Performance Plan (SPP) Indicators 9 and 10***

**Onsite Review: December 17, 2007**

**Report Date: February 5, 2008**

**Closed August 28, 2008**

**Indicator 9:** Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.  
**Indicator 10:** Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

<b>Step 1</b>	<b>Preliminary Data Review</b>	Preliminary data for districts flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement will be submitted to districts in order to verify accuracy of data and re-submittal to Special Education Programs (SEP) for recalculation.
<b>Step 2</b>	<b>Recalculated Data Results</b>	<p><b><u>Non-flagged Districts:</u></b> Following verification and recalculation, any district not flagged with disproportionate over-representation and/or under-representation based on race and ethnicity is encouraged to use the criteria as a self-assessment tool.</p> <ol style="list-style-type: none"> <li>Identify potential areas in need of improvement related to disproportionate representation of minority students and revise policies, practices and procedures as necessary to reflect compliance.</li> <li>Documentation of review of the policies, practices, and procedures with special education staff and evaluators.</li> <li>No submittal of information to SEP is required at this time.</li> </ol> <p><b><u>Flagged Districts:</u></b> Following verification and recalculation, all districts still flagged with disproportionate over-representation and/or under-representation based on race and ethnicity with respect to eligibility and/or placement <b><u>must</u></b> go through an on-site review of the districts process to determine if appropriate identification is occurring.</p> <ol style="list-style-type: none"> <li>Review team will review your policies, procedures and practices specific to the identified racial/ethnic group to determine if the identified practices within the Administrative Rules for South Dakota (ARSD) occur.</li> <li>Districts will be required to attend a training to focus on reviewing and implementing changes to practices, policies, and procedures that lead to disproportionate representation.</li> </ol>
<b>Step 3</b>	<b>After On-Site Review</b>	<p><b><u>Flagged Districts - All Practices occur and are documented within policies:</u></b></p> <ul style="list-style-type: none"> <li>No corrective action plan will be required.</li> </ul> <p><b><u>Flagged Districts – Some Practices do not occur and are not documented within policies:</u></b></p> <ul style="list-style-type: none"> <li>District will be found out of compliance and will identify the Corrective Action Plan activities that will target the specific practice and include timelines for completion.</li> <li>Submit an <b>electronic</b> copy of the Corrective Action Plan The district is responsible for implementing and completing the plan within one year upon written receipt of notification of review of improvement plan by SEP.</li> <li>A summary report of progress will be required at 4, 8, and 12 months to SEP.</li> </ul>
<b>Flagged Categories and Weighted Risk Ratios</b>		

School District Pierre

Date Completed January 11, 2008

**Indicator 9:**

Disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

If any category is flagged, an on-site review will be conducted.

**Identified Racial/Ethnic Group and Weighted Risk Ratio:**

Flagged	Ethnicity/Race Category	WRR
	White	
	Hispanic	
	American Indian	
	African American	
	Asian Pacific	

**Indicator 10:**

Disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

If any category is flagged, an on-site review will be conducted. The following pages are the ARSD the district's procedures that will be reviewed.

Flagged	Ethnicity/Race Category
	White
	Hispanic
X	American Indian
	African American
	Asian Pacific

Disability Category	WRR
AU	
ED	
CD	
OHI	
SLD	2.95
SL	

**As defined in ARSD 25:05:24:01**

- **AU**–Autism (2-6)
- **ED**–Emotional Disturbance (16)
- **CD**–Cognitive Disability (11)
- **OHI**–Other Health Impairment (14)
- **SLD**–Specific Learning Disability (18-19)
- **SL**– Speech or Language Impairment (20-28)

**Report Conclusion for Disproportionate Representation of Minority Students  
State Performance Plan (SPP) for Indicators 9 and 10**

### Disproportionate Representation Due to Inappropriate Identification

**24:05:17:10. Overidentification and disproportionality.** The department shall provide for the collection and examination of data to determine whether any inappropriate overidentification or significant disproportionality based on race and ethnicity is occurring in the state and in districts of the state with respect to:

(1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in chapter 24:05:24.01;

(2) The placement in particular educational settings of these children; and

(3) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of inappropriate overidentification or significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular settings of these children, the department shall provide for the review of and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure compliance with the requirements of Part B of the Individuals with Disabilities Education Act; require any district identified under this section to reserve the maximum amount of funds allowable to provide comprehensive coordinated early intervening services to serve children in the district, particularly, but not exclusively, children in those groups that were significantly overidentified under this section; and require the district to publicly report on the revision of policies, practices, and procedures described under this section.

☒ **the district has disproportionate representation due to inappropriate identification**

☐ **the district is appropriately identifying students.**

Based on the issues noted throughout this report, it has resulted in over identification of Native Americans in the Specific Learning Disability category for the Pierre School District.

### On-site Review for Disproportionate Representation of Minority Students State Performance Plan (SPP) Indicators 9 and 10

#### CHILD FIND/GENERAL EDUCATION INTERVENTION (GEI)

Policy, Practice and Procedure Practices	District is in Compliance Y/N	No - Provide specific reference within the district's policies, practices and procedures in which this practice is not defined.
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<p><b>24:05:22:01. District required to identify children in need of special education or special education and related services.</b> Each school district shall develop and utilize a system for the identification, location, and evaluation of children in need of special education or special education and related services. The system must include all children residing within the jurisdiction of the district who are ages birth through 21 regardless of the severity of their disability, including children in all public and private agencies and institutions, private schools, including religious schools, and children receiving alternative instruction under SDCL 13-27-3 within the legal boundaries of the district. The requirements of this section apply to:</p> <ul style="list-style-type: none"> <li>(1) Wards of the state and highly mobile children with disabilities such as migrant children and homeless children; and</li> <li>(2) Children who are suspected of being children with disabilities under this article and in need of special education, even though they are advancing from grade to grade.</li> </ul>	Yes	
<p><b>24:05:22:02. Minimum procedures.</b> At a minimum, a local school district's procedures for implementing its child identification system must include the following:</p> <ul style="list-style-type: none"> <li>(1) The name and title of the individual responsible for the coordination, implementation, and documentation of the system;</li> <li>(2) A written description of the district's annual public awareness campaign for informing the parents of children residing within the legal boundaries of the district and other interested parties located within the jurisdiction of the district, including all public and private agencies and institutions, private schools, including religious schools, and children receiving alternative instruction under SDCL 13-27-3;</li> </ul>	Yes	
<p>(3) The establishment of procedures for collecting, maintaining, and reporting current and accurate data on all child identification activities which must be ongoing and include children not currently enrolled in the public school education program. These procedures must be as follows:</p> <ul style="list-style-type: none"> <li>(a) In written form;</li> <li>(b) Contained in each district's special education comprehensive plan; and</li> <li>(c) Describe each child identification activity for which the district is responsible;</li> </ul> <p>and</p>	Yes	

<p>(4) A practical method of determining which children are currently receiving needed special education or special education and related services.</p> <p>Documentation supporting the implementation of a local school district's child identification system shall be maintained by the district for review by Office of Special Education staff during on-site monitoring visits and must include annual child count data submitted to the division for approval.</p>	<p>Yes</p>	
<p><b>24:05:22:03. Certified child.</b> A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.</p>	<p>No</p>	<p>A student listed on the district's 2006 child count as a child with a learning disability; however, no achievement evaluation was completed, which is needed to determine a discrepancy. In March 2007, the child was reevaluated and determined not eligible for special education services.</p> <p>Another student listed on the 2007 child count as a child with a learning disability was determined eligible with instruments which are not valid for the purpose of eligibility. The invalid instruments that were used were the Wechsler Abbreviated Scale of Intelligence and Wide Range Achievement Test.</p> <p>In two of the student files reviewed by the monitoring team, documentation supported specific learning disability; however, the documentation in both files also supported a broader disability that the team may have chosen. In the event that the district would have chosen another disability category, it may not be targeted for disproportionality</p>
<p><b>24:05:24:01. Referral.</b> Referral includes any written request which brings a student to the attention of a school district administrator (building principal, superintendent, or special education director) as a student who may be in need of special education. A referral made by a parent may be submitted verbally, but it must be documented by a district administrator. Other sources of referrals include the following:</p> <ul style="list-style-type: none"> <li>(1) Referral through screening;</li> <li>(2) Referral by classroom teacher;</li> <li>(3) Referral by other district personnel;</li> <li>(4) Referral by other public or private agencies; and</li> <li>(5) Referral by private schools, including religious schools.</li> </ul>	<p>Yes</p>	



EVALUATION PROCEDURES		
Policy, Practice and Procedure Practices	District is in Compliance Y/N	No - Provide specific reference within the district's policies, practices and procedures document in which this practice is not defined.
<b>24:05:25:03.04. Evaluation procedures -- Notice.</b> The school district shall provide notice to the parents of a child with a disability, in accordance with this article, that describes any evaluation procedures the district proposes to conduct.	Yes	
<b>24:05:30:05. Content of notice.</b> The notice must include the following: (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected; (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal; (3) A description of any other factors which are relevant to the district's proposal or refusal; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.	Yes	
<b>24:05:25:06. Reevaluations.</b> A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the district determines that the educational or related service needs, including improved academic achievement and functional performance of the child, warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary. Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:04:25:03. Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of: (1) Determining whether the child continues to have a disability and determining the educational needs of the child; (2) Determining the present levels of academic achievement and related developmental needs of the child; (3) Determining whether the child continues to need special education and related services; and	Yes	

<p>(4) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.</p> <p>If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination and reasons for it and of the right of the parent to request an assessment, for purposes of determining the child's educational needs under this article, and to determine continuing eligibility. The school district is not required to conduct an assessment unless requested to do so by the child's parents. However, a school district shall follow the procedures in this chapter before determining that the child is no longer a child with a disability. The evaluation procedures described in this chapter are not required before the termination of a child's eligibility under this article due to graduation from a secondary school with a regular high school diploma, or exceeding the age eligibility for FAPE.</p>		
<p><b>ARSD 24:05:25:04. Evaluation procedures -- General.</b> School districts shall ensure, at a minimum, that evaluation procedures include the following:</p> <p>(1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:</p> <p>(a) Are used for the purposes for which the assessments or measures are valid and reliable; and</p> <p>(b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;</p>	Yes	
<p>(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;</p>	Yes	
<p>(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;</p>	Yes	
<p>(4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;</p>	Yes	

<p>(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:</p> <ul style="list-style-type: none"> <li>(a) Whether the child is a child with a disability; and</li> <li>(b) The content of the child's IEP, including information related to enabling the child: <ul style="list-style-type: none"> <li>(i) To be involved in and progress in the general education curriculum; or</li> <li>(ii) For a preschool child, to participate in appropriate activities;</li> </ul> </li> </ul>	Yes	
<p>(6) Technically sound instruments, assessment tools, and strategies are used that:</p> <ul style="list-style-type: none"> <li>(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and</li> <li>(b) Provide relevant information that directly assists persons in determining the educational needs of the child;</li> </ul>	No	In one student file, documentation from the Wechsler Abbreviated Scale of Intelligence and Wide Range Achievement Test, which are not sound instruments, was used to determine eligibility
<p>(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and</p> <p>(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 24:05:25:03.01, to ensure prompt completion of full evaluations.</p>	No	In four of the fourteen files reviewed, documentation was in place to support a learning disability; however, documentation in the student files indicated additional concerns that were not considered when determining what areas needed to be evaluated.
<p><b>24:05:25:02. Nondiscriminatory practices.</b> Assessments and other evaluation materials used for the purpose of evaluation and placement of children with disabilities must be selected and administered so as not to be racially or culturally discriminatory.</p>	Yes	

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	(SEP Use Only) Date Met
<b>Activity/Procedure:</b> The district will develop procedure to ensure all children are evaluated with technically sound instruments and in all areas related to the suspected disability. The procedures will be review with district staff.	April 15, 2008	District's Special Education Director	<b>Approval Pending Aug inservice</b>
<b>Data Collection:</b> The district will submit to SEP a copy of the district's procedures regarding the above issues. The district will also submit how the procedures were reviewed			

with appropriate staff and date procedures were reviewed.			Approved August 29,2008
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### 3 month Progress Report:

**6 month Progress Report:** Procedure is part of our Comprehensive Plan which was approved by the Pierre School Board on June 16, 2008. This document will be reviewed at our August 2008 in service with all special education staff.

**9 month Progress Report:** The Pierre Comprehensive Plan was approved by the SD Dept of Ed with a letter received on August 25, 2008. Sections of the plan were presented by D. Champ, Special Education Director for PPS at the August 22, 2008 in-service. Each special education staff member has a copy of the Comprehensive Plan on their laptop.

On-Site Review for Disproportionate Representation of Minority Students State Performance Plan (SPP) Indicators 9 and 10		
ELIGIBILITY DETERMINATION		
Policy, Practice and Procedure Practices	District is in Compliance Y/N	No - Provide specific reference within the district's policies, practices and procedures document in which this practice is not defined.
<b>24:05:25:04.03. Determination of eligibility.</b> Upon completing the administration of assessments and other evaluation measures as required by this chapter, the individual education program team and other qualified individuals required by § 24:05:25:04.02 shall determine whether the student is a student with a disability, and shall determine the educational needs of the child, as defined in this article. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria under chapter § 24:05:24.01.	Yes	
<b>24:05:25:20. IEP team to evaluate, interpret, and explain.</b> The IEP team is responsible for assuring that a child has been appropriately evaluated and that all evaluation data are interpreted and explained to parents.	Yes	

<p><b>24:05:27:15.01. IEPs for student transfers within state.</b> If a student with a disability transfers school districts within the same academic year, enrolls in a new school, and had an IEP that was in effect in the state, the school district shall provide the student with a free appropriate public education. This includes providing services comparable to those described in the previously held IEP, in consultation with the parents, until the school district adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with federal and state law.</p>	<p><b>No</b></p>	<p>A student listed on the district's 2007 child count as a child with a learning disability, who transferred to the Pierre school district from within the state, does not have documentation in the student file to support eligibility for special education services. The documentation that was used in the previous school was taken from invalid instruments.</p>
<p><b>24:05:27:15.02. IEPs for student transfers from another state.</b> If a student with a disability, who had an IEP that was in effect in a previous school district in another state, transfers to a school district in South Dakota, and enrolls in a new school within the same school year, the new school district, in consultation with the parents, shall provide the child with FAPE, including services comparable to those described in the student's IEP from the previous school district, until the new school district:</p> <p>(1) Conducts an evaluation pursuant to chapter 24:05:25, if determined to be necessary by the new school district; and</p> <p>(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in this chapter.</p>	<p><b>No</b></p>	<p>Documentation to support eligibility for special education services was not found for a student listed on the district's 2007 child count as a child with a learning disability, who transferred to the Pierre school district from another state.</p>
<p><b>24:05:27:15.03. Transmittal of records for student transfers.</b> To facilitate the transition for a transfer student described in §§ 24:05:27:15.01 and 24:05:27:15.02:</p> <p>(1) The new school in which the student enrolls shall take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the student, from the previous school in which the student was enrolled, pursuant to § 99.31(a)(2) of the federal Family Educational Rights and Privacy Act as amended to July 1, 2005; and</p> <p>(2) The previous school in which the student was enrolled shall take reasonable steps to promptly respond to the request from the new school.</p>	<p><b>Yes</b></p>	

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	<b>(SEP Use Only) Date Met</b>
<p><b>Activity/Procedure:</b> The district will develop procedure to ensure student transfers within the state are reviewed by the district to ensure eligibility for special education services.</p> <p>Steps that need to be included:</p> <ol style="list-style-type: none"> <li>Who and when student file is reviewed by to ensure all pertinent records are received from student's previous attendance school;</li> <li>Who will review student file to ensure documentation supports eligibility for</li> </ol>	<p>April 15, 2008</p>	<p>District's Special Education Director</p>	<p><b>July 2008 - pending submission of information noted below in red.</b></p>

<p>special education services and, if needed, what additional evaluation will be conducted to determine eligibility;</p> <p>3. Who will provide the parents with prior notice that the IEP will be implemented as written, or what changes need to be made to provide services comparable to those describe in the previously held IEP</p> <p><b>Data Collection:</b> The district will submit to SEP a copy of the district's procedures regarding the above issue. The district will also submit how the procedures were reviewed with appropriate staff and date information was reviewed.</p>			<p><b>Approved August 29,2008</b></p>
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### 3 month Progress Report:

**6 month Progress Report:** We review all records of new students to the Pierre District. We have not, in the past, reviewed testing data to determine eligibility but rather the IEP and possible changes. We have changed our procedure and all special education staff have been informed that the IEP team reviewing the records for new students will review the assessment data and determine if eligibility for special education has been determined. The case manager for each IEP is responsible and will ask for assistance from the school psychologist when needed.

**Note from SEP --- Dennis in the 9 month progress report will you please include a copy of your "new student in the district" procedures and when and how staff were informed of the changes.**

**9 month Progress Report:** Margaret Pier addressed this issue at the August 22, 2008 in-service. A copy of the materials presented by Margaret including a checklist for file review for transfer students will be provided to Rita Pettigrew.

<b>Corrective Action:</b> Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	<b>Timeline for Completion</b>	<b>Person(s) Responsible</b>	(SEP Use Only) Date Met
<p><b>Activity/Procedure:</b> The district will develop procedures to ensure student s on IEPs who transfer to the district from another state are reviewed by the district. Steps that need to included:</p> <ol style="list-style-type: none"> <li>1. Who and when student file is reviewed by to ensure all pertinent records are received from student's previous attendance school;</li> <li>2. Who will review student file, and ensure free appropriate public education is provided, including services comparable to those described in the student's IEP from the previous school district, until the new school district: <ol style="list-style-type: none"> <li>a. Conducts an evaluation, if determined to be necessary by the new school district.</li> <li>b. Develops, adopts, and implements a new IEP, if appropriate.</li> </ol> </li> <li>3. Who from the district will be consulting with the parents and when consultation will take place (i.e. who will visit with parents and provide prior notice and/or consent, and when will visit occur)</li> </ol> <p><b>Data Collection:</b> The district will submit to SEP a copy of the district's procedures regarding the above issue and steps the district will take to review the process with</p>	April 15, 2008	District's Special Education Director	<p><b>July 2008 - pending submission of information noted below in red.</b></p>

appropriate district staff. The district will also submit how the information was reviewed with staff and date reviewed.			<b>Approved August 29,2008</b>
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### 3 month Progress Report:

**6 month Progress Report:** These procedures are currently in place. We review all new student files and determine as an IEP team if the current IEP is accepted as is or if modifications or a new IEP needs to be written.

**Note from SEP --- Dennis in the 9 month progress report will you please include a copy of your procedures on “student s on IEPs who transfer to the district from another state” or indicate on what pages of your Comprehensive plan this information is addressed. Also submit when and how staff were informed of the changes.**

**9 month Progress Report:** Issue was addressed at August 22, 2008 in-service. Rita Pettigrew has a copy of our Comprehensive Plan as well as hard copies of all materials given and presented to staff.

On-Site Review for Disproportionate Representation of Minority Students State Performance Plan (SPP) 10 Specific Learning Disability		
Specific Learning Disability Criteria		
Policy, Practice and Procedure Practices	District is in Compliance Y/N	No - Provide specific reference within the district’s policies, practices and procedures document in which this practice is not defined.
<b>24:05:25:12. Documentation of eligibility for specific learning disabilities.</b> For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall contain a statement of: (1) Whether the child has a specific learning disability;	<b>Yes</b>	
(2) The basis for making the determination, including an assurance that the determination has been made in accordance with this section;	<b>Yes</b>	
(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;	<b>Yes</b>	
(4) The educationally relevant medical findings, if any;	<b>Yes</b>	

<p>(5) Whether:</p> <p>(a) The child does not achieve adequately for the child's age or does not meet state-approved grade-level standards; and</p> <p>(b) The child does not make sufficient progress to meet age or state-approved grade-level standards; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development;</p>	Yes	
<p>(6) The determination of the group concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level;</p>	Yes	
<p>(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention:</p> <p>(a) The instructional strategies used and the student-centered data collected; and</p> <p>(b) The documentation that the child's parents were notified about:</p> <p>(i) The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;</p> <p>(ii) Strategies for increasing the child's rate of learning; and</p> <p>(iii) The parent's right to request an evaluation;</p>	Yes	
<p>(8) If using the discrepancy model, the group finds that the child has a severe discrepancy of 1.5 standard deviations between achievement and intellectual ability in one or more of the eligibility areas, the group shall consider regression to the mean in determining the discrepancy; and</p>	Yes	
<p>(9) If using the response to intervention model for eligibility determination, the group shall demonstrate that the child's performance is below the mean relative to age or state approved grade level standards.</p>	Yes	
<p><b>24:05:25:13. Group members to certify report in writing.</b> Each group member shall certify in writing whether the report reflects the group member's conclusion. If it does not reflect the group member's conclusion, the group member must submit the conclusion in a separate statement.</p>	Yes	